



**AMENDED
STAY HOME – STAY SAFE
ORDER**

April 9, 2020

BY

BEN ZELLER, JUDGE OF THE COUNTY OF VICTORIA

Summary: *This Order amends the Stay Home – Stay Safe Order Issued by the Judge on April 1, 2020, to adopt updated CDC Guidance allowing essential workers to return to work after potential exposure, with certain precautionary practices. This Order takes effect immediately and will continue through April 30, 2020.*

Whereas, I, Ben Zeller, Judge of the County of Victoria, declared a State of Local Disaster due to a Public Health Emergency on March 16, 2020; and

Whereas, the Commissioner's Court of the County of Victoria extended the duration of the state of local disaster until lifted by the Judge or Commissioner's Court; and

Whereas Greg Abbott, Governor of the State of Texas, issued Executive Order GA-14 on March 31, 2020, ("EO-GA-14"), which ordered that every Texan shall, except where necessary to provide or obtain essential services, minimize social gatherings and minimize in-person contact with people who are not in the same household; and

Whereas, section 418.108(g) of the Texas Government Code authorizes the Judge of a county, during a declared local disaster, to control the movement of persons and the occupancy of premises in that area, which includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease; and

Whereas Section 418.173 of the Texas Government Code provides that a state, local, or interjurisdictional emergency management plan may provide that failure to comply with the plan or with a rule, order, or ordinance adopted under the plan is an offense punishable by a fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days, or both; and

Whereas the Victoria County/City of Victoria Emergency Management Plan provides that failure to comply with the terms of the plan, or with a rule, order, or ordinance adopted under the plan is an offense punishable by a fine of not more than \$1,000 or confinement in jail for a term not to exceed 180 days; and

Whereas this order seeks to provide the greatest degree of protection available to the residents of Victoria County, consistent with the limitations imposed by EO-GA-14;

Now therefore, I, Ben Zeller, Judge of the County of Victoria, Texas, hereby find and order:

1. That this Order supersedes the Order to Control Social Gatherings Due to a Public Health Emergency that I issued on March 21, 2020.
2. That this Order is consistent with EO-GA-14, in that it does not restrict essential services allowed by EO-GA-14 or allow gatherings prohibited by EO-GA-14.
3. That, consistent with the Governor's Order that each Texan shall minimize in-person contact with people who are not in the same household, each person within the County of Victoria is **ORDERED** to stay at home, except where necessary to provide or obtain "Essential services," as that term is defined in EO-GA-14.
4. That day care services for children and adults are added to the definition of Essential services for the jurisdiction covered by this order, to the extent necessary to allow caregivers to provide or obtain Essential services.
5. That, notwithstanding the foregoing, each person in the County seeking to provide or obtain essential services is hereby **ORDERED** to comply with mandatory social distancing requirements, by maintaining a space of 6-feet between all people, regardless of location. For the purpose of clarity, unless otherwise excepted below, this order applies to all locations outside of a household or living unit, regardless of the number of people in attendance, and is not intended to create a distinction between types of gatherings, whether indoor or outdoor, whether social, community, recreational, commercial, retail, or otherwise.
6. That, except where necessary to provide or obtain essential services, all public or private gatherings occurring inside a single household or living unit, if the gathering includes a person who is not a member of that household or living unit, are **PROHIBITED**. Nothing in this Order prohibits the gathering of members of a household or living unit.
7. That all businesses operating within the County of Victoria, and all persons responsible for any other type of group activity allowed to continue operation under this Order, are **ORDERED** to establish procedures to ensure compliance with this Order by, among other things enforcing social distancing requirements established herein and increasing cleaning of commonly and frequently touched surfaces. Procedures which establish physical barriers between people, such as a sneeze guard or similar shielding, would comply with the physical distancing requirements of this order.
8. That food establishments are **ORDERED** to close common dining areas to in-person dining, and strongly encouraged to provide take-out, drive through, curbside and delivery food services designed to limit exposure between individuals.

9. That the holder of a wine and beer retailer's permit or mixed beverage permit (collectively "bar") is **ORDERED** to close common bar spaces to the public and is **PROHIBITED** from allowing consumption within the bar.

10. That any person experiencing symptoms consistent with COVID-19 is **ORDERED** to isolate at home, except to the extent necessary to obtain health care services, until the later-occurring of (a) such time as that person is symptom-free for a period of 72 hours, or (b) seven (7) days after the onset of symptoms; and that every member of the household or living unit is **ORDERED** to isolate at home for the same time period. Any person ordered to isolate at home by this paragraph cannot go to work, or any other location unless expressly permitted by written order of the local health authority, or unless each member of the household or living unit has been cleared by the protocol established by the local health authority. Notwithstanding the foregoing, a person described by this paragraph who is asymptomatic may continue to provide or obtain "Essential services," as that term is defined in EO-GA-14, so long as that person complies with the CDC recommendations included in the "Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19" which is attached hereto, and which may be updated or amended by the CDC from time to time.

11. That any person who has received orders from a health care provider to be tested for COVID-19 is **ORDERED** to isolate at home, except to the extent necessary to take the COVID-19 test as instructed by the health care professional, and further that, if any person in a household or living unit has tested positive for COVID-19, every member of the household or living unit is **ORDERED** to isolate at home. Any person ordered to isolate at home by this paragraph cannot go to work, or any other location unless expressly permitted by written order of the local health authority, until such time as each member of the household or living unit has been cleared by the protocol established by the local health authority. Notwithstanding the foregoing, a person described by this paragraph, other than a person who has tested positive for COVID-19, who is asymptomatic may continue to provide or obtain "Essential services," as that term is defined in EO-GA-14, so long as that person complies with the CDC recommendations included in the "Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19" which is attached hereto, and which may be updated or amended by the CDC from time to time.

12. That peace officers, Victoria County health inspectors and the Office of the Victoria County Fire Marshal, are hereby authorized to enforce this order to the extent of their authority under state and local law.

13. That any person who violates this Order commits an offense punishable by a fine of not more than \$1,000 and confinement in jail for a term not to exceed 180 days.

14. That the Victoria County Public Health Department will post this Order on the website www.VictoriaTxOEM.org. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

15. That, if any subsection, sentence, clause, phrase or word of this Order or any application of it to any person, structure, gathering or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remainder of this Order and its application.

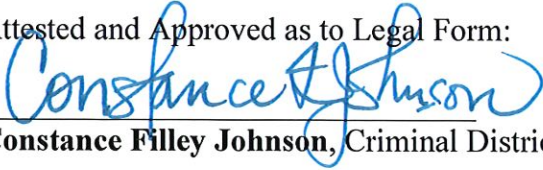
16. That this **ORDER** shall take effect immediately and continue until April 30, 2020, unless lifted or further extended by separate order.

ORDERED this the 9th day of April, 2020.



Ben Zeller, Judge of the County of Victoria

Attested and Approved as to Legal Form:



Constance Filley Johnson, Criminal District Attorney

Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19

To ensure continuity of operations of essential functions, CDC advises that critical infrastructure workers may be permitted to continue work following potential exposure to COVID-19, provided they remain asymptomatic and additional precautions are implemented to protect them and the community.

A potential exposure means being a household contact or having close contact within 6 feet of an individual with confirmed or suspected COVID-19. The timeframe for having contact with an individual includes the period of time of 48 hours before the individual became symptomatic.

Critical Infrastructure workers who have had an exposure but remain asymptomatic should adhere to the following practices prior to and during their work shift:

- ▶ **Pre-Screen:** Employers should measure the employee's temperature and assess symptoms prior to them starting work. Ideally, temperature checks should happen before the individual enters the facility.
- ▶ **Regular Monitoring:** As long as the employee doesn't have a temperature or symptoms, they should self-monitor under the supervision of their employer's occupational health program.
- ▶ **Wear a Mask:** The employee should wear a face mask at all times while in the workplace for 14 days after last exposure. Employers can issue facemasks or can approve employees' supplied cloth face coverings in the event of shortages.
- ▶ **Social Distance:** The employee should maintain 6 feet and practice social distancing as work duties permit in the workplace.
- ▶ **Disinfect and Clean work spaces:** Clean and disinfect all areas such as offices, bathrooms, common areas, shared electronic equipment routinely.

If the employee becomes sick during the day, they should be sent home immediately. Surfaces in their workspace should be cleaned and disinfected. Information on persons who had contact with the ill employee during the time the employee had symptoms and 2 days prior to symptoms should be compiled. Others at the facility with close contact within 6 feet of the employee during this time would be considered exposed.

Employers should implement the recommendations in the Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 to help prevent and slow the spread of COVID-19 in the workplace. Additional information about identifying critical infrastructure during COVID-19 can be found on the DHS CISA website or the CDC's specific First Responder Guidance page.

INTERIM GUIDANCE

This interim guidance pertains to critical infrastructure workers, including personnel in 16 different sectors of work including:

- ▶ Federal, state, & local law enforcement
- ▶ 911 call center employees
- ▶ Fusion Center employees
- ▶ Hazardous material responders from government and the private sector
- ▶ Janitorial staff and other custodial staff
- ▶ Workers – including contracted vendors – in food and agriculture, critical manufacturing, informational technology, transportation, energy and government facilities

ADDITIONAL CONSIDERATIONS

- ▶ Employees should not share headsets or other objects that are near mouth or nose.
- ▶ Employers should increase the frequency of cleaning commonly touched surfaces.
- ▶ Employees and employers should consider pilot testing the use of face masks to ensure they do not interfere with work assignments.
- ▶ Employers should work with facility maintenance staff to increase air exchanges in room.
- ▶ Employees should physically distance when they take breaks together. Stagger breaks and don't congregate in the break room, and don't share food or utensils.

